

12

Hearing Date: 5/25/21
Hearing Time: 4:30pm
Judge/Calendar: ex parte

21-4-00443-34
PROR 15
Proposed Order Findings
10390876



E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
05/28/2021 11:04:13 AM
Linda Myhre Enlow
Thurston County Clerk

Superior Court of Washington, County of Thurston

In the Guardianship of;
Hazel Belle Ursa Smith
Onawa Kachina Smith-Wells
Raven Gaia Shenandoah Smith-Wells
Respondent/s (*minors/children*)

Case No. 21-4-00443-34

COVER: Proposed Order

Attached please find a Proposed Order on Petitioner's ^①Motion for Emergency Guardianship.

Breckan Scott-Gabriel
Breckan Scott-Gabriel

- ② Immediate ex parte restraining order;
- ③ order directing DCYF to release CPS Inter.

Superior Court of Washington, County of Thurston

In the Guardianship of: Hazel Belle Ursa Smith
Onawa Kachina Smith-Wells
Raven Graia Shenandoah Smith-Wells
 Respondent/s (minors/children)

No. 21-4-00443-34
 Immediate Order (Ex Parte)
 and Hearing Notice - Emergency Minor
 Guardianship and Restraining Order
 (ORTSC)
 Clerk's action required: 1, 3, 5
 Interpreter required in: _____
 (language)

**Immediate Order (Ex Parte) and Hearing Notice -
 Emergency Minor Guardianship and Restraining Order**

Use **this form** together with the Motion for Immediate Order- Emergency Minor Guardianship (Ex Parte), form GDN M 204.

1. Guardianship Summary

Summarize the guardianship order below.

Date guardian appointed:		Hearing date from section 3:	
Children			
Child's Name	Letters Expire	Child's Name	Letters Expire
1. <u>Hazel Smith</u>	on hearing date	2. <u>Onawa Smith-Wells</u>	on hearing date
3. <u>Raven Smith-Wells</u>	on hearing date	4.	on hearing date
Limited Guardian/s			
Name			
Address			

Phone	
Email	

2. This Order starts immediately and ends after the hearing listed below.

Important! Hearing must be held within five court days.

3. Hearing Notice – The court will consider extending this order and the other requests in the Motion for Immediate Order at a court hearing:



on: _____ at: _____ [] a.m. [] p.m.
date time

at: 2801 3rd AVE SW Tumwater, WA 98512, _____
court's address room or department

docket / calendar or judge / commissioner's name

Warning! If you do not go to the hearing, the court may make orders against you without hearing your side.

4. Findings

The court has reviewed the *Petition for Emergency Minor Guardianship, Motion for Immediate Order- Emergency Minor Guardianship (Ex Parte)*, supporting documents, and any other evidence considered on the record, including _____

The court finds that the children's health, safety, or welfare will be substantially and irreparably harmed before a hearing with notice can be held.

[] Other findings: _____

➤ **Court Orders**

5. Custody (immediate guardianship)

[] No request made.

(Name): Hans Stolker + Kathryn Stolker is appointed immediate emergency guardian, until the hearing listed above, for the following children:

Child's name	Age	Child's name	Age
1. <u>Hazel B. u. Smith</u>	<u>8</u>	2. <u>Onawa K. Smith-Wells</u>	<u>3</u>
3. <u>Raven G. S. Smith-Wells</u>	<u>1</u>	4.	

The children will live with the guardian listed above until the hearing listed in 3.

Clerk's Action: The clerk shall issue Letters of Limited Guardianship to the person named above that expire on the date of the hearing listed in 3.

Until the hearing, the guardian has **only** the following powers:

Health care decisions, including mental health

School/educational decisions

Access to and ability to release healthcare records

Other powers (*specify*): _____

6. Temporary Restraining Orders

No request made.

Request denied.

(*Name/s*): _____ are restrained as follows:

Stay in Washington – The Restrained Person/s must not take the children listed in 5 out of Washington State.

Do Not Disturb – The Restrained Person/s must not disturb the peace of (*check all that apply*): the guardian the children listed in 5.

Stay Away – The Restrained Person/s must not to go onto the grounds of or enter (*check all that apply*): the guardian's home, workplace, or school the daycare or school of the children listed in 5.

Also, the Restrained Person/s must not knowingly to go or stay within _____ feet of these places (1000 feet if not filled out).

Warning! Violation of this order may result in financial penalties or contempt of court.

7. Bond

No bond or security is required.

(*Name*): _____ must file a bond or post security.

Amount: \$ _____.

8. Other immediate orders

Does not apply.

Children shall immediately be placed w/ Hans + Kathryn Selter until further order of the Court.

Ordered.

Date

Time

Judge or Commissioner

Presented by: Petitioner [] Respondent

Sign here

Breckan Scott 41585 5/27/21
Print name (if lawyer, also list WSBA #) Date

Important! Within 48 hours after the court signs this Order, you must serve the Motion and this Order to:

- every parent,
- any child 12 or older,
- anyone having custody of the children, and
- any lawyer appointed.

Superior Court of Washington, County of Thurston

In re the marriage / domestic partnership of:

Petitioner (person who started this case):

Hans Stelker + Kathryn Stelker

And Respondent (other spouse / partner):

Hazel, Raven, Onawa Smith
(H&K)

No. 21-4-00443-34

Immediate Restraining Order (Ex Parte)
and Hearing Notice
(TPROTSC / ORTSC)

Clerk's action required: **2, 15**

**Immediate Restraining Order (Ex Parte)
and Hearing Notice**

Use this form in marriage/domestic partner cases only. For other cases, use FL Parentage 322, FL Non-Parent 422, or FL Modify 622, depending on the type of case.

- 1. This Order starts immediately and ends after the hearing listed below.**
- 2. Hearing Notice** – The court will consider extending this order and the other requests made by the protected person at a court hearing:



on: _____ at: _____ [] a.m. [x] p.m.
date time

at: 2801 32nd AVE SW Tumwater, WA 98512
court's address room or department

docket / calendar or judge / commissioner's name

Warning! If you do not go to the hearing, the court may make orders against you without hearing your side.

- 3. This Order restrains (name):** Selene Smith

Warning! You must obey this order or you may be jailed.

- Violation [of sections **6-8**] of this order with actual notice of its terms is a criminal offense under Chapter 26.50 RCW and will subject a violator to arrest.
- Violation of **any** part of this order may result in financial penalties or contempt of court.
- This order is enforceable in all 50 U.S. states, the District of Columbia, and U.S. territories and tribal lands (18 U.S.C. § 2265).

4. This Order protects (name/s): _____ and these children under 18 (if any):

Child's name	Age	Child's name	Age
1. Hazel Belle Ursa Smith	8	4.	
2. Onawa Kachina Smith-Wells	3	5.	
3. Raven Graia Shenandoah Smith-Wells	1		

5. Findings

The court has reviewed the *Motion for Immediate Restraining Order*, supporting documents, and any other evidence considered on the record, including _____

The court finds that there would be irreparable harm as described in the *Motion* if this order is not granted.

If hearing date is more than 14 days away – There is good cause to keep this order in effect until the hearing date (which is between 14 and 28 days after this order is issued) because (describe the good cause):

Other findings: _____

➤ Court Orders to the Restrained Person listed in 3:

6. Do not disturb

- No request made.
- Request denied.
- The Restrained Person must not disturb the peace of the Protected Person or of any child listed in **4**.

7. Stay away

- No request made.
- Request denied.
- The Restrained Person must not go onto the grounds of or enter the Protected Person's home, workplace, or school, and the daycare or school of any child listed in **4**.
- The Restrained Person must not knowingly go or stay within _____ feet of the Protected Person's home, workplace, or school, or the daycare or school of any child listed in **4**.

8. Do not hurt or threaten

- No request made.
- Request denied.
- The Restrained Person must not:
 - Assault, harass, stalk, or molest the Protected Person or any child listed in **4**; or
 - Use, try to use, or threaten to use physical force against the Protected Person or children that would reasonably be expected to cause bodily injury.

9. Surrender weapons

- Does not apply. No order entered in section **8** and no request made.
- Request denied and surrender of weapons not required.
- The Restrained Person must follow the **Order to Surrender Weapons Issued Without Notice** (form All Cases 2-030) signed by the court and filed separately.

Findings – The court finds irreparable injury could result if this order is not issued until the time for response has elapsed.

10. Care and safety of children until the hearing

- No request made.
- Request denied.
- The (*check one or both*): Petitioner Respondent must not take the children listed in **4** out of Washington state.
- Until the hearing, the children listed in **4** will live with the (*check one*):
 - Petitioner Respondent.
- Other: _____
- _____
- _____

11. Protect property

- No request made.
- Request denied.
- The (*check one or both*): Petitioner Respondent must not move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic needs. Both spouses/domestic partners must notify the other about any expenses that are out of the ordinary.

12. Do not change insurance

- No request made.
- Request denied.

The (check one or both): Petitioner Respondent must not make changes to any medical, health, life, property, or auto insurance policy that covers either spouse/domestic partner or any child named in 4. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

13. Bond

No bond or security is required.

The Petitioner Respondent must file a bond or post security. Amount: \$ _____

14. Other immediate orders

Does not apply.

Children shall be immediately placed w/ Hans + Kathryn Stokker until further order of the Court.

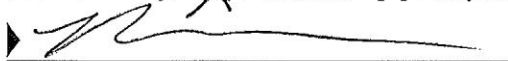
15. To the Clerk: Provide a copy of this order and the *Law Enforcement Information Sheet* to the agency listed below within one court day. The law enforcement agency must enter this order into the state's database.

Name of law enforcement agency where the protected person lives:

Ordered.

_____ Date Time Judge or Commissioner

Presented by: Petitioner Respondent


Sign here

Breckan Scott 41585 5/27/21
Print name (if lawyer, also list WSBA #) Date

To the Protected Person:

Warning! You must have this order served on the Restrained Person before it can be enforced.

You have a right to have law enforcement serve this order free of charge if restraints are ordered in sections 6, 7, 8, or 9 above.

1. Fill out a *Law Enforcement Information Sheet* (form All Cases 01.0400) and give it to the clerk.
2. You must have this Order, and the paperwork you filed with the court to get this Order, personally served on the Restrained Person by someone 18 or older who is not a party to this case. (Do not serve the *Law Enforcement Information Sheet* on the Restrained person – it is only for law enforcement.)
3. After serving, the server fills out a *Proof of Personal Service* (FL All Family 101) and gives it to you. Then:
 - File the original *Proof of Personal Service* with the court clerk.
 - Give a copy of the *Proof of Personal Service* to the law enforcement agency listed above.
 - Go to the hearing.
 - Bring proposed orders to the hearing.

Superior Court of Washington, County of Thurston

In the Guardianship of: Hazel Belle Ursa Smith, Onawa Kachina Smith-Wells, Raven Graia Shenandoah Smith-Wells
Respondent/s (minors/children)

No. 21-4-00443-34

Order Directing DCYF to Release CPS Information
(ORDINFO)

Clerk's action required: **5**

**Order Directing DCYF to Release CPS Information
(Guardianship)**

1. Petitioner/s filed a *Minor Guardianship Petition*. The Court needs information from the Department of Children, Youth, and Families (DCYF).
2. The Court orders DCYF to provide information as allowed by RCW 13.50.100 about investigations in which:
 - the children involved in this case were alleged victims of abandonment, abuse, or neglect; or
 - the Petitioner/s, or any person age 16 or older who lives with Petitioner/s, is the subject of a founded or currently pending CPS investigation by the Department of Social and Health Services or DCYF started after October 1, 1998.

DCYF must provide this information under a *Sealed CPS Information* cover sheet (form GDN M 406) to the court at this address:

Superior Court Clerk, Thurston County
2801 32nd AVE SW Tumwater WA 98512
address city state zip

DCYF must provide the information by (date): _____ or
within a reasonable amount of time if no date is specified.

3. List the children:

Child's name	Age	Child's name	Age
1. Hazel Belle Ursa Smith	(8)	2. Onawa Kachira Smith-wells	(3)
3. Raven Graia Shenandah Smith-wells		4. (1)	

4. List Petitioner/s or proposed Guardian/s and anyone 16 or older living in the Petitioner's or proposed Guardian's home:

Petitioner

Full Name: Hans Stoker

Also Known As: _____

Birthdate: April 25 1956

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Petitioner

Full Name: Kathryn Stoker

Also Known As: _____

Birthdate: July 21, 1949

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

Other Individual in the Home

Full Name: _____

Also Known As: _____

Birthdate: _____

5. **Clerk's Action:** The clerk shall forward a copy of this order to DCYF. Information received from DCYF in response to this order must be filed under seal. Only the parties in this case, their lawyers, the Guardian ad Litem (if any), and the person whose information was released may have access to this information.

Other: _____

6. The information DCYF provides in response to this order is confidential. Anyone who sees the information must keep it confidential and protect against unauthorized disclosure.

Ordered.

Date

Judge or Commissioner

Petitioner and Respondent/s or their lawyers fill out below.

Presented by:



Signature of Party/Lawyer

Breckan Scott 41585
Printed Name *WSBA No.*

Copy received and approved by:

Signature of Party/Lawyer

Printed Name

Signature of Party/Lawyer

Printed Name

Signature of GAL or CV

Printed Name